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Phosphate bill may resurface

Lobbyist says industry supports tax hike

By GREG MARTIN - Staff Writer

Now that a medical malpractice insurance crisis has been addressed, a looming phosphate mining crisis may be the next challenge for the state Legislature.

Both the House Speaker and Senate President have discussed the possibility of calling phosphate mining legislation up in the Legislature's next special session, which would be held in October, if at all, according to legislative aides.

Speaker Johnnie Byrd, R-Plant City, also announced to the Legislature last week that the October session would include bills to require girls 17 or younger to notify parents before getting abortions, a bill pertaining to water resources and the phosphate legislation.

However, spokeswoman for both Byrd and President Jim King, R-Jacksonville, said Friday no final decision regarding the October session had been reached.

If the Legislature does get called up, that will give state Reps. Jerry Paul, R-Port Charlotte, and Sen. J.D. Alexander, R-Lake Wales, a chance to revive legislation they sponsored last year. Speaker Pro Tempore Lindsay Harrington, R-Punta Gorda, also contributed components of the legislation.

The bills would hike the severance tax on phosphate mining, beef up assurances that the industry can fulfill reclamation obligations and commission a study of the cumulative impacts of mining on the Peace River.

Paul and Alexander filed differing versions of the legislation. Their bills died, however, after the lawmakers failed to resolve differences between the bills before the regular session ended May 6.

However, during the first special session on medical malpractice insurance two weeks later, Paul and Alexander agreed on a compromise bill. In the compromise, Alexander wanted to see tax revenues more than tripled for the counties that host mining and Paul wanted to compel the state to consider acquiring a 1,000-foot setback from mining for the Peace River and its tributaries.

But the Senate president refused to call up that bill during any of three special sessions that ensued on the malpractice issue.



Paul said he would file a bill if the phosphate issue gets scheduled for a special session. He declined to say whether that bill would take up where his last compromise with Alexander left off.

Paul pointed out, however, that awareness of the need for the legislation has grown exponentially since he filed his first phosphate bill in January.

"Since the regular special session, I have been approached by many, many legislators whose consciousness has now been raised," Paul said. "So, the level of attention is much greater now."

Some of the increase in concern has been sparked by the potential environmental catastrophe posed by the bankruptcy of Mulberry Phosphates in 2001.

The Florida Department of Environmental Protection is currently rushing to dump, by barge, 2 million gallons of treated wastewater from Mulberry's Piney Point fertilizer plant in Parrish.

The dumping was authorized to avert a catastrophic washout of dams holding 1.2 billion gallons of contaminated acid water. The water is perched on top of an eroding stack of phosphogypsum waste.

The Mulberry cleanup will cost the state \$160 million, according to DEP officials. There are more than two dozen other similar phosphate chemical sites, and more are under construction as the industry gears up to open new mines in the lower half of the Peace River watershed.

Meanwhile, Charlotte County is sharpening its legal swords for a third administration challenge in three years to a DEP permit for mining. Last week, Commission Chairman Matt DeBoer wrote a letter to Lee County Chairman Ray Judah seeking financial support.

DeBoer pointed out Charlotte won its most recent challenge of a permit for IMC Phosphates' 2,400-acre Altman Tract mine. Next month, the county pleads its case to block a permit for IMC's 23,000-acre Ona mine.

"We believe we can prove that mining the much larger 23,000-acre Ona mine will have detrimental impacts on Charlotte Harbor," DeBoer wrote. "However, in order to make this showing, we need to expand and refine our modeling of the Peace River/Charlotte Harbor hydrologic system."

He called for Lee County to finance the cost of evaluating the impacts on the harbor.